

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

3:04CV429-1

3:01CR36-1

DAVID PEREZ-GARCIA,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

ORDER AND JUDGMENT

Pursuant to the memorandum opinion entered herein this date,

IT IS ORDERED:

1. Respondent's Motion for Summary Judgment is granted; and
2. Petitioner's Motion to Vacate, Set Aside, or Correct Sentence is denied.

DATED this 10th day of April, 2007.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court